

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

V.

CROWD MACHINE, INC., METAVINE, INC,
and CRAIG DEREL SPROULE,

Defendants,

Case No.: 4:22-cv-00076-HSG

Hon. Haywood S. Gilliam, Jr,

**ORDER GRANTING
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL**

and

METAVINE PTY. LTD.,

Relief Defendant,

ORDER

The Court, having considered Defendant's Administrative Motion to File Documents Under Seal, and the Declaration of Anne Osborne in support thereof, HEREBY ORDERS THAT:

5 1. The Court finds there are compelling reasons sufficient to overcome the
6 presumption in favor of granting public access to the documents below. “Courts have found that
7 ‘confidential business information’ in the form of ... ‘financial terms ... and business strategies’
8 satisfies the ‘compelling reasons’ standard.” *Baird v. BlackRock Inst. Trust. Co., N.A.*, 403
9 F.Supp.3d 765, 792 (N.D. Cal. 2019) (Gilliam, J.) (quoting *In re Qualcomm Litig.*, 2017 WL
10 5176922, at *2 (S.D. Cal. Nov. 8, 2017)) (emphasis added). Courts find compelling reasons to
11 seal records where filings may “become a vehicle for improper purposes, such as the use of
12 records to . . . release trade secrets.” *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008)
13 (internal quotation and citation omitted).

14 2. Further, courts in the Ninth Circuit routinely find compelling reasons to seal
15 personally-identifying information, finding that risks associated with disclosing such information
16 may outweigh the public's interest to access. *See, e.g., Cancino Castellar v. Mayorkas*, 2021 WL
17 3678440, at*3-4 (S.D. Cal. Aug. 19, 2021) (collecting cases).

18 3. Finally, “Courts generally accept attorney-client privilege and the work-product
19 doctrine as a ‘compelling reason’ justifying a motion to seal.” *WatchGuard Techs., Inc. v. iValue*
20 *Infosolutions Pvt. Ltd.*, 2017 WL 3581624, at *2 (W.D. Wash. Aug. 18, 2017) (collecting cases).

21 4. Accordingly, Plaintiff's Administrative Motion is GRANTED, and the Clerk of
22 the Court is directed to accept the under-seal filing of the following materials:

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Docket No. Public / (Sealed)	Document	Portion(s) to Seal	Evidence Offered in Support of Sealing	Ruling
52-1 (50-1)	Declaration of Anne Osborne in support of Defendants' opposition to Plaintiff's motion for monetary relief	with redactions	Osborne Decl. ¶¶ 4-6, 8(j) confidential financial and commercially-sensitive information; personally-identifying information	Granted
52-3 (50-2)	Exhibit A: Expert report of Christian Tregillis	with redactions	Osborne Decl. ¶¶ 4-6, 8(a) confidential financial and commercially-sensitive information	Granted
52-4 (50-3)	Exhibit B: Documents relied upon in expert report of Christian Tregillis	entire document under seal	Osborne Decl. ¶¶ 4-6, 8(b) confidential financial and commercially-sensitive information; proprietary product information	Granted
52-5 (51)	Exhibit C: Supplemental expert report of Christian Tregillis	with redactions	Osborne Decl. ¶¶ 4-6, 8(c) confidential financial and commercially-sensitive	Granted
52-6 (51-1)	Exhibit D: Metavine Genesis release notes	entire document under seal	Osborne Decl. ¶¶ 4-6, 8(d) confidential financial and commercially-sensitive information; proprietary product information	Granted
52-7 (51-2)	Exhibit E: Defendants' written responses to SEC	with redactions	Osborne Decl. ¶¶ 4-7, 8(e) confidential financial and commercially-sensitive information; personally-identifying information	Granted

1	52-8 (51-3)	Exhibit F: Document produced to SEC	with redactions	Osborne Decl. ¶¶ 4-7, 8(f) confidential financial and commercially-sensitive information; personally-identifying information; proprietary product information	Granted
2	52-9 (51-4)	Exhibit G: Letter from public accounting and consulting firm re ISRS 4400	entire document under seal	Osborne Decl. ¶¶ 4-6, 8(g) confidential financial and commercially-sensitive information	Granted
3	52-12 (51-5)	Exhibit J: Production cover letters produced to SEC	with redactions	Osborne Decl. ¶¶ 4-7, 8(h) confidential financial and commercially-sensitive information; personally-identifying information	Granted
4	52-13 (51-6)	Exhibit K: Defendants' current financial information	entire document under seal	Osborne Decl. ¶¶ 4-7, 8(i) confidential financial and commercially-sensitive information	Granted

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1 **IT IS SO ORDERED.**

2 Date: 1/4/2024

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4 Hon. Haywood S. Gilliam, Jr.

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